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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,632	09/25/2003	Patrick M. Commarford	BOC9-2003-0061 (431)	6850
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER STORK, KYLE R	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 07/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/670,632	Applicant(s) COMMARFORD ET AL.	
	Examiner KYLE R. STORK	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-14 and 17-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-14 and 17-28 is/are rejected.
- 7) ☒ Claim(s) 29-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final office action is in response to the remarks filed 5 February 2008.
2. Claims 1, 4-14, and 17-30 are pending. Claims 1, 5, 14, 18, and 27-28 are independent claims.

The rejection of claims 29-30 under 35 USC 103 over Chinn et al. (US2002/0010715; filed July 26, 2001, hereafter Chinn) in view of Schuba et al. (US 6725378; filed April 15, 1999; hereafter Schuba), and further in view of Ladd et al. (US 6269336, filed 2 October 1998, hereafter Ladd) and further in view of Alpdemir et al. (US 2004/0006478, filed 13 January 2003, hereafter Alpdemir) has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-14, and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinn et al. (US 2002/0010715; filed July 26, 2001, hereafter Chinn) in view of Schuba et al. (US 6725378; filed April 15, 1999; hereafter Schuba), and further in view of Ladd et al. (US 6269336, filed 2 October 1998, hereafter Ladd) and further in view of Alpdemir et al. (US 2004/0006478, filed 13 January 2003, hereafter Alpdemir).

Regarding independent claim 1, Chinn teaches determining an interactive voice response event corresponding to a request for help (p.4, para. 54; p.12, para. 143, 148) since Chinn teaches the user requesting help and the system providing an audible help message and the system is capable of interacting with the user if more information is needed.

Chinn further teaches classifying said event as at least one of a default help request and a user initiated help request (p.12, para. 143, 148; p.15, para. 175) since Chinn teaches a help message when a user requests help and a help message as a default when the system does not recognize the request and needs more information.

Chinn further teaches setting a time for receiving user input to a default value if said event is classified as said default help request (p.12, para. 144; p.16, para. 183-185) since Chinn teaches setting a timeout value for a user response when a help message is requested.

Chinn further teaches interactive voice response application takes programmatic action upon expiration of said time for receiving user input (p.12, para. 139, 144; p.16, para. 184, 185) since Chinn teaches replaying a message or ending a session when a timeout occurs or when the timeout threshold is reached.

Chinn teaches setting a time for receiving user input to a value if said event is classified as said user initiated help request (p.12, para. 144; p.16, para. 183-185) since Chinn teaches setting a timeout value for a user response when a help message is requested. Chinn does not disclose setting the time to a value less than the default value. Schuba teaches setting a time to a value less than the default (col. 10, lines 25-28). It would have been obvious to one of ordinary skill in the art, having the teachings of Chinn and Schuba before him at the time the invention was made, to modify setting a time as taught by Chinn to include setting a time to less than the default as taught by Schuba, because Chinn teaches setting a timeout period for user response (p.12, para. 144; p.16, para. 183-185) and Schuba teaches setting a timeout period to a value less than the default (col. 10, lines 25-28) so the timeout period taught by Chinn could be set to a value less than the default.

Chinn fails to specifically disclose determining if an event is one of a no-match event and a time-out event, wherein the no-match event occurs when the event does not correspond to a user option provided by the application, and wherein the time-out event occurs if a user fails to respond to an application prompt within a predetermined duration of time. However, Ladd discloses determining if an event is one of a no-match event and a time-out event, wherein the no-match event occurs when the event does

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not correspond to a user option provided by the application, and wherein the time-out event occurs if a user fails to respond to an application prompt within a predetermined duration of time (Figures 5a-5c; column 13, line 66- column 16, line 19). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Ladd with Chinn, since it would have allowed a user to receive help in response to a no-match event (column 13, line 66- column 16, line 19).

Chinn fails to disclose:

repeating a previous presentment of a menu or other prompt if a first event occurs subsequent to another event;

a second event occurs after repeating the previous presentment of the menu or other;

if the first event occurs subsequent to another event, no longer presenting the previous menu or other prompt

Alpdemir discloses:

repeating a previous presentment of a menu or other prompt if a first event occurs subsequent to another event (Figure 5)

a second event occurs after repeating the previous presentment of the menu or other (Figure 5)

if the first event occurs subsequent to another event, no longer presenting the previous menu or other prompt (Figure 5: Here, a user is presented with a prompt for selection criteria. Based upon the user entered criteria, it is determined if the inputted data is recognized. If the request is recognized, request is played back, and the user is

returned to a previous menu to make more entries. If the request is not recognized, the user is informed that a no-match condition has occurred, and a counter is incremented. If the counter is less than the threshold, the user is returned to a previous menu).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Alpdemir with Chinn, since it would have allowed a user to repeat menu options if inputs are no-match events.

Regarding dependent claim 4, Chinn teaches the method of claim 1, wherein said default value is at least six seconds and wherein said value less than said default value is at most three seconds (p.12, para. 144) since Chinn teaches the value as a number of seconds.

Regarding independent claim 5, the applicant discloses the limitations substantially similar to those in claim 1. The same rejection is incorporated herein.

Regarding dependent claim 6, Chinn teaches the method of claim 5, further comprising the steps of once said second help message has been presented, starting a no-response timer (p.16, para. 183-185) since Chinn teaches a setting a timer for a timeout value after each message is played and incrementing a timeout value until a threshold is reached.

Chinn further teaches if said no-response time for said second help message exceeds said time-out threshold, performing a previously established IVR operation (p.16, para. 185) since Chinn teaches returning to a main menu or playing a last resort message if there is no response.

Regarding dependent claim 7, Chinn teaches the method of claim 6, wherein said previously established IVR operation includes resetting said time-out threshold to said default time (p.16, para. 184, 185) since Chinn teaches resetting the timer.

Regarding dependent claim 8, Chinn teaches the method of claim 6, wherein said previously established IVR operation includes audibly presenting a help message (p.16, para. 185) since Chinn teaches presenting a last resort message.

Regarding dependent claim 9, Chinn teaches the method of claim 5, wherein said previously established IVR operation includes at least one of cycling back to an initial help message, establishing a connection with a human agent, and establishing a connection with an automated system (p.16, para. 185) since Chinn teaches cycling back to a main menu for a user to make further selections.

Regarding dependent claim 10, the claim reflects the method for performing the operations of claim 1 and is rejected along the same rationale.

Regarding dependent claim 11, Chinn teaches the method of claim 5, further comprising the steps of after said presentation of said first help message has begun, receiving an explicit user request for help (p.15, para. 175) since Chinn teaches a user requesting help at any time during the operation.

Chinn further teaches if said non-response threshold equals the default time, decreasing said time-out threshold (p.16, para. 183-185) since Chinn teaches increasing a counter for each timeout which lowers the threshold until it is reached.

Regarding dependent claims 12 and 13, the claims reflect the methods for performing the operations of claim 4 and are rejected along the same rationale.

Regarding claims 14 and 18-26, the claims reflect the machine-readable storage having stored thereon computer programs for performing the operations of claims 1, 4-13 respectively and are rejected along the same rationale.

As per claim 17, the applicant discloses the limitations similar to those in claim 4. Claim 17 is similarly rejected.

Regarding independent claim 27, the claim reflects the system for performing the operations of claim 1 and is rejected along the same rationale.

Regarding independent claim 28, the claim reflects the system for performing the operations of claim 5 and is rejected along the same rationale.

Allowable Subject Matter

6. Claims 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Although the examiner believes the prior art disclose determining if an event is a no-match event and determining if an event is a time-out event, the prior art fails to disclose determining if a default help request is either a no-match event or a time-out event and performing separate distinct actions for each of a no-match event and a time-out event.

Response to Arguments

8. Applicant's arguments filed 5 May 2008 have been fully considered but they are not persuasive.

The applicant argues that the prior art fails to teach repeating a previous presentment of a menu or other prompt if a first event occurs subsequent to another event; a second event occurs after repeating the previous presentment of the menu or other; and if the first event occurs subsequent to another event, no longer presenting the previous menu or other prompt. However, Alpdemir discloses:

repeating a previous presentment of a menu or other prompt if a first event occurs subsequent to another event (Figure 5)

a second event occurs after repeating the previous presentment of the menu or other (Figure 5)

if the first event occurs subsequent to another event, no longer presenting the previous menu or other prompt (Figure 5: Here, a user is presented with a prompt for selection criteria. Based upon the user entered criteria, it is determined if the inputted data is recognized. If the request is recognized, request is played back, and the user is returned to a previous menu to make more entries. If the request is not recognized, the user is informed that a no-match condition has occurred, and a counter is incremented. If the counter is less than the threshold, the user is returned to a previous menu).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork
Examiner
Art Unit 2178

/Stephen S. Hong/
Supervisory Patent Examiner, Art
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krs